

REMARKS

Claims 1-10 and 14-21 have been cancelled. Claims 22, 28, and 36 have been amended to clarify the subject matter regarded as the invention. Claims 11-13, 22, and 24-43 are pending.

The Examiner has rejected Claims 11-13, 22, and 24-43 under 35 U.S.C. §102(e) as being anticipated by Woolston (U.S. Pat. No. 5,845,265). The rejections are respectfully traversed.

As amended, independent Claims 22, 28, and 36 recite that as with the first phase, the “succeeding phase is defined by one or more user selectable trading primitives that dictate the behavior of one or more components in a programmable auction server.” Support for the amendment may be found, without limitation, on Page 6 of the Specification. Woolston does not disclose the multi-phase protocol recited in independent Claims 22, 28, and 36, and those independent claims are therefore believed to be allowable. Claims 11-13, 24-27, 29-35, and 37-43 depend, either directly or indirectly from one of the aforementioned claims and therefore also believed to be allowable.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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